



01-13-06

JFW

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/631,168
Filing Date	07/31/2003
First Named Inventor	Bradley Kropp, et al.
Art Unit	1651
Examiner Name	L. Lankford, Jr.
Attorney Docket Number	5820.639

**ENCLOSURES (Check all that apply)**

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input checked="" type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation of POA, Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
	<input type="checkbox"/> Landscape Table on CD	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<b>Remarks</b>	
<input type="checkbox"/> Reply to Missing Parts/Incomplete Application	1. Transmittal Form (1 page);	
<input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	2. Response To Office Communication with Exhibits A-D (61 pages); and	
	3. Postcard.	

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	DUNLAP, CODDING & ROGERS, P.C.		
Signature			
Printed name	Kathryn L. Hester, Ph.D.		
Date	01/12/2006	Reg. No.	46,768

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: \*\*\* SENT BY EXPRESS MAIL NO. EV 718815226 US, DATED 01/12/2006\*\*\*

Signature			
Typed or printed name	Kathryn L. Hester, Ph.D.	Date	01/12/2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**EXPRESS MAIL NO.: EV 718815226 US**  
**DATE DEPOSITED: JANUARY 12, 2006**

**PATENT**



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Bradley Kropp et al.	)	Atty Dkt No:	5820.639
	)		
Serial No: 10/631,168	)	Examiner:	L. Lankford, Jr.
	)		
Filed: July 31, 2003	)	Art Unit:	1651
	)		
Customer No.: 30589	)	Confirmation No.:	7538
	)		
For: URINARY TRACT TISSUE GRAFT COMPOSITIONS AND METHODS FOR PRODUCING SAME			

MAIL STOP - AMENDMENT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO THE OFFICE COMMUNICATION**

**DATED DECEMBER 13, 2005**

This is meant to be a complete response to the Office Communication from the Examiner dated December 13, 2005. In the Office Communication, the Examiner states the reply filed on September 22, 2005 amended the claims in such a manner as to shift the invention, and that the claims are now drawn to an invention which is independent/distinct from what was elected. Thus, the Examiner considers the September 22, 2005 response to be non-responsive.

Applicants respectfully traverse the Examiner's assertion of non-responsiveness for the reasons stated below.

In the Office Communication, the Examiner states that "bone marrow stromal cell" is independent and distinct from "adult stem cell". However, a person having ordinary skill in the art would clearly recognize that a "bone marrow stromal cell" is a specific type of "adult stem cell", and therefore the term "bone marrow stromal cell" is simply a narrower term than "adult stem cell", and not independent nor distinct from "adult stem cell". Paragraph [0024] of the Specification refers to "bone marrow stromal cells" as a type of adult stem cell.

Attached hereto as further evidence of the fact that "bone marrow stromal cells" are a specific type of "adult stem cells" are Exhibits A-D. Exhibit A is from the Stem Cell Information website from the National Institutes of Health - see, in particular, the first full paragraph on Page 7 ("adult stem cells derived ... from the bone marrow ... the bone marrow-derived cells are sometimes sorted ... into populations of hematopoietic stem cells or **bone marrow stromal cells**"). Exhibit B is an article entitled "Living Longer and Loving It!" from the Aging Research website - see, in particular, the third full paragraph on Page 2 ("a type of adult stem cell called a bone marrow stromal cell"). Exhibit C is the Fall 2003 News Archives from the American Porphyria Foundation website - see, in particular, the third full paragraph on Page 4 ("one

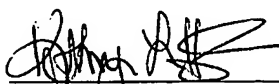
of the more versatile adult stem cells is the bone marrow stromal cell"). Exhibit D is FAQ's section from the International Society for Stem Cell Research website - see, in particular, question 7 ("Adult stem cells... can be isolated from many tissues ... however, the most common place to obtain these cells is from the bone marrow .. There are different types of stem cells found in the bone marrow, including hematopoietic stem cells, endothelial stem cells, and mesenchymal stem cells") and question 16 ("Human mesenchymal cells, or bone marrow stromal stem cells").

Therefore, Applicants respectfully submit that the claims as amended on September 22, 2005 are neither independent nor distinct from the elected invention, but rather simply contain a further limitation from the previously presented elected claims. Thus, Applicants respectfully submit that the Amendment and Response filed on September 22, 2005 is completely responsive to the Office Action mailed May 10, 2005.

Applicants respectfully request reconsideration and withdrawal of the Office Communication mailed December 13, 2005.

Should the Examiner have any questions regarding this response, or the Remarks contained herein, Applicants' representative would welcome the opportunity to telephonically discuss the same with the Examiner.

Respectfully submitted,



---

Kathryn L. Hester, Ph.D.  
Registration Number 46,768  
DUNLAP, CODDING and ROGERS, P.C.  
Customer No. 30589  
P.O. Box 16370  
Oklahoma City, Oklahoma 73113  
Telephone:(405) 607-8600  
Facsimile:(405) 607-8686  
E-Mail: kathryn\_hester@okpatents.com  
Web Site: [www.okpatents.com](http://www.okpatents.com)

Agent for Applicants